By the King.

A Proclamation againſt priuate Challenges and Combats: With Articles annexed for the better directions to be vſed therein, and for the more iudiciall proceeding againſt Offenders.

THe ſlaughters which We find to haue bene ſtrangely multiplied and encreaſed in theſe later times, by the boldneſſe which many of Our ſubiects take, to chalenge any man into the Field, towards whom they cary either grudge or malice in their minds, vnder the pretext of ſatiſfaction to pretended wrongs, without imploring aide either of the Lawes, or Ciuil Magiſtrates: haue mooued Us, out of the tender care which We take of Our loyall Subiects liues, to enter into ſome ſpeedie courſe for the ſtopping of a Vaine that bleeds both inceſſantly, and inwardly. For to ſpeake trueth, to what purpoſe ſerue the Lawes of God, the prouiſionall inſtructions of men, and the courſe of ordinarie Iuſtice in the Common Wealth (whether Wee reſpect the Court of Chiualrie, or the Ciuill Courts,) if it be free for Subiects out of the diſtemper of their owne diſtempered conceits, either to rate the quality of the Wrong ſuppoſed, or the ſatiſfaction that belongs to it: Beſides, it were great pittie, that ſo many Iudgements as in other things ſhew grauitie and moderation, ſhould be ſo ſtrangely bewitched, and as it were enchanted in this kinde with the very dregges of Circes Cup, (tranſforming conſideration into paſſion, reaſon into appetite, and men into beaſts) as to thinke that any graine of worth of reputation or true honour, can be drawne out of any act that is abſolutely repugnant to all ſuch Lawes (aſwell Diuine as humane) as ſway both Religions and Policies. For as no man accompts his Armour of high proofe, before it haue bene tried by Shot, no more are Gentlemen eſteemed for their valour by the greater part of giddie cenſours at this day, that haue not almoſt aſſoone as they can hold a Sword in their hand, put themſelues vpon their proofe, either in S. Georges fields, or at Finsbury, without the leaſt reſpect to the Iuſtice of the ground that ſhould make good the purſuit or euent of the quarrell.

WE are not ignorant in what degree ſlaughters vpon priuate Challenges are ranked by the Lawes of the land, (howſoeuer iniurie be made the maſke) nor how earneſt many buſie perſons are to make their owne Wills abſolute in ſome point, ſince they know not by What colour or pretence to command in all, nor how cunningly ſome argue for excuſe of Challenges, by imputing Weakeneſſe (as they Would haue vs apprehend) to the Lawes and Statutes of the Realme, in that they forbeare either out of inſenſibilitie or neglect, to giue ſatiſfaction to ſome certaine termes and reproches, As for example to that of the Lye, Which the cuſtome and conſtruction of the dayes in Which Wee liue, hath matched With thoſe Wrongs that are reputed to be moſt exorbitant: For though no priuate Challenge to the peril of a loyall Subiects life, be either iuſt or compatible With

21
58292

the policie of any orderly or well stayed gouernment vpon such poore grounds, as passion doeth commonly pretend: yet so long as men deeply wounded by disgrace, were left destitute of helpe by ordinarie and lawfull meanes, they might with better colour seeke to saue and satisfie themselues by those sharpe courses which the Lawes cannot iustifie.

But since Our care hath bene to giue satisfaction by certaine Rules and limitations to the least offence, contempt or disgrace, whereof reputation hath reason to be sensitiue, wee doe not onely expect, but beside both will and command, That after fortie dayes expired, which wee prescribe to begin instantly from the publication of Our prohibition, no man shall presume in their wonted maner (which ought indeed to be no maner among worthy Subiects and sober men) either to send or accept of Challenges, or to seeke satisfaction by any other meanes then those, which are made good either by the Lawes of the Kingdome, or the Court of Honour. The scope of this prefixed limitation to the space of fortie dayes (intending onely to prouide for Subiects, that by reason of their distance from the Centres of direction cannot so speedily be made acquainted with Our meaning, as they that are at hand) giueth small aduantage to any inference, that in the meane space it shalbe lawful to begin or prosecute a quarel in the forme prohibited. For We do not onely exclude all such Interpreters from any kinde of respite, dispensation or benefit pretended by the terme, (in case it may be prooued by examinations or depositions of Witnesses, that before the quarell they were priuie to the stoppe) but further purpose also to deale more seuerely with them then any of the rest, for sucking poison out of Honisuckles, and making the care which We take of men that haue not deserued ill, a warrant for their owne wilfull boldnesse, that is opposite to Authoritie.

But as it is certaine, that before the eye be able to discerne plaine figures, it must be cleared and inlightned by that visiue facultie which nature her selfe affords; so is it no lesse sure, that instruction ought to precede execution: In respect wherof Wee calling to mind out of that duetie which We owe to God, the precise account which We are to make in another World for the losse of so many liues, as might haue bin secured by prouidence, or preserued by care, and seeking no lesse tenderly to relieue men that are sensitiue of honor, then to punish others that are careless of Our Charge, haue set downe two wayes of satisfaction: The first, to the publike Iustice of the State (wounded by contempt:) the second to the party that complaines, offended by disgrace, as the best meanes to appeale the wrath of God, and stay the current of manslaughters among men: For Our Subiects may be mooued hereby to apprehend, that so long as they breake Our order, by calling men presumptuously to triall by the Sword (that in a better course are ready to redeeme their errour by a more ciuill and sober meane) they may rest assured in both Cases to feele the sharpe edge of Our indignation by implacable seueritie.

Touching the first branch, which properly belongeth to Our place, in affrighting presumption with terrour, and pride with punishment, it is not hard to obserue, What satisfaction the Iustice of the State it selfe requires for the scorne receiued from wilfull contempt at the hand of those, that notwithstanding the remedies which are proportionably set downe to wrongs, yet follow their old Parador, supposing no satisfaction to be sufficient, besides that which the partie that hath bene offended, taketh with his owne hand, and by the sword: a Maxime more agreeable in trueth to the disposition of a Cain, then of a Constantine. The proportions of punishments for all sorts of wrongs, are particularly expressed, to exclude all excuses of wilfull ignorance, publique respects holding by iust priuiledge the precedence of all priuate complaints, that in their fit times and places come by degrees, and at greater leasure to be compared and considered. For by what reason can they challenge to be forborne with tendernesse, or regarded with respect, that hauing before their eyes an offer of correspondent satisfaction, for iniury (not freshly deuised, but anciently approued by worthy persons, that were reputed both in Courts and Campes the greatest Commaunders in their time:) had rather take a course to aggrauate, then abate, to exasperate then qualifie: besides those sorres, sighes, and sharpe corrasiues, which single Fights (perplexing, or rather tormenting the consciences of quicke and ready vndertakers) doe commonly bring with them.

But because it would be hard to comprise within the bulke of an ordinary Proclamation so many differences by narrow distinction, so many motiues of iudicious perswasion, so many kindes of worthy satisfaction, as the difficulties of the poynt it selfe, and the curiositie of questions in these times, require: wee thought it requisite to referre this Proclamation to a more large discourse annexed, for the warrant of the resolution it selfe, one furthering another by reciprocall respects, and concurring offices.

The care which Wee haue had euer since Wee were of vnderstanding and discretion to welde the Scepter of Authoritie and Maiestie, which God by prouidence vouchsafed to put into Our hands, to preserue Peace and Concord among Our loyall and louing Subiects, as well by ending causes of hereditary Quarrels, as by preuenting all occasions of Challenges, or Fights hand to

532921

hand which commonly arise out of Wrongs either truely offered, or partially imagined, may bee best knowen by the report of so many gallant Noblemen, and Gentlemen, as haue had the honor both before Our comming to this Crowne, and since, to attend Our Royall Person in the qualitie of Councellors, ordinary attendants, or Officers.

Wee haue not ceased to call carefully and earnestly vpon some that attend Our Seruice, that such Rules, Corrections, and Constitutions might bee published against some Cauillers in these dayes more apt to argue and contest, then to acknowledge and submit, admitting no other Judge of the iust measure for satisfaction, then a sharpe sword in the hand of malice, dazeled, if not blinded with selfe loue; yet hath Our charitable purpose beene so often both impeached and delayed by intercening lets, as it could not so speedily, as the quiet of the Kingdome, and the preseruation of many both illustrious and Worthie Families did require, attaine to that happie end which it aymed at.

But finding by experience, that no kinde of Warning, though proceeding from Our lenitie and grace, is able to containe those fiery affections, which create the matters vpon which their owne inuentions and malices may Worke, and that this roote of ranker puts forth dayly fruits of very bitter taste, and desperate effect, depriuing the State of the kingdome of strong limmes, Our selues of Worthy Subiects, and great houses of great hopes; Our pleasure is to set this Worthy Worke in hand, With expedition, and to leaue the full perfection and entire accomplishment to time, Which supplies industry.

Touching the second part of satisfaction to the partie grieued and offended, to the qualitie and proportion of the Wrong, after that the prize of contempt hath beene first answered to the Justice of the Gouernment, Wee haue commended such Instructions and Heads to the Lords in Commission, as hauing bene first carefully examined by them, then aduisedly approued by Us, and after formally digested into one body for an vniuersall good, abounding also With those pleasing balmes that are able aswell to consolidate as heale, may serue for euer in that office, as infallible receites aboue all exceptions to partiallity or iniurie, When succeeding times shall marke With duetie and discretion, of What Worth those persons Were that haue beene satisfied.

Wherefore though We hold it fit in all points to preferre reason to opinion, yet We Wil admit no such conceits for reasons, as neglecting vniuersall rules (Which are indeed the fruits of experience and the treasure of time,) applie them selues Wholly to the pleasing of the vulgar taste, and to the spreading of a common Parador: Neither Will Wee euer giue Way (so long as it shall please God that We Weare this Crowne, and sit in this chaire of State) to those giddie spirits, that out of vaineglorie or newfangleneſſe in matters that belong to Regalment and Discipline, take a pride to swarue from the Reuerend Impressions of elder times, that haue Wrought themselues into that Worthy credit, Which they hold by the Worlds applause, and the proofe Which all men haue of an vniuersall vtilitie.

All men that rightly vnderstand the nature of these Challenges, & single Fights hand to hand, or by match among Gentlemen, after a Challenge sent in cold blood, either by Writing, or by message, and accepted of the partie opposite, must acknowledge that this brauery, Was first borne and bred in Forraine parts; but after conueied ouer into this Iland, as many other hurtfull and vnlawfull Wares are oftentimes in close packs, that neuer had the Seale of the places from Whence they Were brought to warrant them. For though it bee true that priuate men haue had their passions in attempting Quarrels, and some Princes likewise their errours and facilities, in winking at mens Weakenesses in this kinde, for the space of many yeeres; yet doth it not appeare by Recorde, or Historie, that any one Kingdome, State of Peeres, or Democratie, since the beginning of the World till this day, did euer make good or auow the lawfulneſſe of those attempts vnder their Seales or Certificates, Which their owne Lawes, the Law of Nations, and the Lawes of God, doe both abhorre and abolish.

But since We finde of late that the Commanders of those States, Wherein Fights vpon Challenge Were more frequent in former times, vpon the daily Demonstrations of the mischiefe Which they powre, both into priuate Families, and into the Common Wealth it selfe, haue beene more quicke and sharpe then any other (as their owne Edicts declare) to suppresse the very seeds; it Were strange that Our Subiects should bee lesse apt to follow Forraine precedents, for the securitie both of their consciences and liues, then they were before to second them in the Wilfull courses Which they tooke, to the vtter ouerthrow both of their liues and consciences, making shipWracks of their Soules by falling vpon this fatal rocke, Without a more secret and sound repentance then

any man aliue, Without the gift of Prophesie, can Warrant or assure vnto himselfe in these speedie courses of dispatch, that send short Summons, for to protest to God priuately, as some aduise all Combatants as the surest helpe at a pinch before they begin fight, that [Their end is rather to repell and reuenge disgrace, then to draw blood] Were in plaine termes Actum agere protestationi contrarium, and a more certaine Way to exasperate the Wrath of God by vntimely dalliance, then to excuse contempt by hypocrisie.

It skils not Who reprooue, When Wee resolue, Who dispute When Wee decide, Who mutine against that Which Wee vow to maintaine, or Who complaine When Wee prosecute: For Our purpose is grounded vpon God, it is of proofe, it hath euer beene of vse, in a very high degree preseruing the fortunes, the liues, and the very soules of Our Subiects, from the spoile of Cormorants, the rage of Weapons that reuenge, as they are vsed, Without regard of iust measure, and from the iawes of hell: wherefore let this serue for a gracious and faire Warning to Our louing Subiects once for all, to forbeare sending or accepting Challenges from the time prefixed in the caution specified: For Our purpose is to remit no iot of that seuerity Which is set downe In terminis terminantibus: That the Demonstration of Our heauy displeasure may make it cleare in the iudgement and experience of all the World, That it is not so proper to the condition of a dutifull and obedient Subiect, to assume vnto himselfe this lawlesse kind of libertie, in presuming to fight, When, Where, and With Whom hee list; as to the right, the conscience and care of a Religious and iust Prince, to chastice all contempts of this high nature With due seuerity. Experience Will proue, that to obey Superiours, is better then to Challenge equals, and by that time some delinquents haue in their owne persons paide the price of a contempt, Warranted by no better ground then their owne glozie, the rest will be more apt and easie to be tempered and satisfied.

Giuen at Our Palace of Westminster the fourth day of February, in the eleuenth yeere of Our Reigne of England, France, and Ireland, and of Scotland the seuen and fourtieth.

God saue the King.

Imprinted at London by Robert Barker, Printer to the Kings most Excellent Maiestie. Anno Dom. 1613.